

SCOTT N. SCHOOLS, SC SBN 9990  
 United States Attorney  
 JOANN M. SWANSON, CSBN 88143  
 Assistant United States Attorney  
 Chief, Civil Division  
 ILA C. DEISS, NY SBN 3052909  
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102  
 Telephone: (415) 436-7124  
 FAX: (415) 436-7169

Attorneys for Respondents

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

HUI YU,

Petitioner,

v.

MICHAEL CHERTOFF, Secretary of  
 Department of Homeland Security;  
 EMILIO T. GONZALEZ, Director of the  
 U.S. Citizenship and Immigration Services;  
 CHRISTINA POULOS, Director  
 of USCIS California Service Center; and  
 ROBERT S. MUELLER, III, Director of  
 Federal Bureau of Investigations,

Respondents.

No. C 07-2749 WHA

**JOINT CASE MANAGEMENT  
 STATEMENT and [Proposed] ORDER**

**1. Jurisdiction and Service:**

The basis asserted by petitioner for this Court's jurisdiction is 28 U.S.C. § 1331, 28 U.S.C. § 1361 and 5 U.S.C. § 701. The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.

**2. Facts:**

The petitioner filed a Form I-485 application to adjust her status to lawful permanent resident with the United States Citizenship and Immigration Services (USCIS) on or about October 18, 2004. The USCIS has not yet adjudicated the Form I-485 application. The petitioner filed an

1 action on May 25, 2007, seeking an order from this Court directing USCIS to adjudicate her Form  
2 I-485 application.

3 **3. Legal Issues:**

4 Whether this Court should dismiss the petitioner's action for lack of subject matter  
5 jurisdiction. If this Court has jurisdiction, whether the USCIS is processing the petitioner's I-485  
6 application within a reasonable period of time.

7 **4. Motions:**

8 The parties intend to file cross-motions for summary judgment.

9 **5. Amendment of Pleadings:**

10 No parties, claims or defenses are expected to be added or dismissed.

11 **6. Evidence Preservation:**

12 The parties do not have any evidence that falls within this category.

13 **7. Disclosures:**

14 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not apply to  
15 this case.

16 **8. Discovery:**

17 The parties do not intend to take any discovery at this time.

18 **9. Class Actions:**

19 N/A

20 **10. Related Cases:**

21 The parties are not aware of any related case or cases.

22 **11. Relief:**

23 The petitioner asks this Court to direct USCIS to adjudicate her Form I-485 application.

24 **12. Settlement and ADR:**

25 An ADR Phone Conference is scheduled for August 28, 2007.

26 **13. Consent to Magistrate Judge for All Purposes:**

27 The parties declined assignment of this case to a magistrate judge.  
28

**14. Other References:**

The parties do not believe that this case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

**15. Narrowing of Issues:**

The parties do not believe that the issues can be narrowed by agreement or by motion, and do not have suggestions to expedite the presentation of evidence at trial (e.g. through summaries or stipulated facts), and any request to bifurcate issues, claims or defenses.

**16. Expedited Schedule:**

The parties believe this case can be resolved on cross-motions for summary judgment.

**17. Scheduling:**

The parties propose the following schedule on the parties' cross-motions for summary judgment:

Cross-Motions for Summary Judgment:	September 20, 2007
-------------------------------------	--------------------

Cross-Oppositions:	October 4, 2007
--------------------	-----------------

Hearing:	October 25, 2007, 8:00 a.m.
----------	-----------------------------

**18. Trial:**

The parties do not anticipate the need for a trial in this case.

**19. Disclosure of Non-party Interested Entities or Persons:**

The parties' intend to file the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16.

**20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.**

None.

///

///

///

///

///

1 Dated: August 23, 2007

/s/

Ila C. Deiss  
Assistant United States Attorney  
Attorney for Respondents

4 Dated: August 23, 2007

/s/

Hui Yu  
*Pro Se*

7 **CASE MANAGEMENT ORDER**

8 The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as  
9 the Case Management Order for the case, and the parties are ordered to comply with this Order.

11 Date:

WILLIAM ALSUP  
United States District Judge